

USE of IDEA Funds Questions and Answers

1. How can you determine if a cost is an excess cost of providing special education services?

When determining whether a cost is an excess cost, ask the following guiding questions.

In the absence of special education needs, would this cost exist?

If the answer is...

- No, then the cost is an excess cost and may be eligible.
- Yes, then the cost is not an excess cost and is not allowed.

Is this cost also generated by students without disabilities?

If the answer is...

- No, then the cost is an excess cost and may be eligible.
- Yes, then the cost is not an excess cost and is not allowed.

If it is a child specific service, is the service documented in the student's IEP?

If the answer is...

- Yes, then the cost is an excess cost and may be eligible.
- No, then the cost is not an excess cost and is not allowed.

2. May regular IDEA entitlement funds and IDEA ARRA funds be used to retain staff slated for layoff?

Yes. Both regular IDEA entitlement and IDEA ARRA funds may be used to retain special education staff slated for layoff or contract reduction. Moving special education staff from local funds to regular IDEA entitlement or IDEA ARRA funds would not violate the supplement not supplant requirement as long as an LEA meets its requirement for IDEA maintenance of effort for the fiscal year.

3. Can IDEA funds, including ARRA funds, be used to purchase or lease equipment?

Yes. However, an LEA must receive approval from the DPI before acquiring equipment. The equipment must improve the LEA's program for children with disabilities. "Equipment" is an article of nonexpendable, tangible personal property having a useful life of more than one year and a cost of \$5,000 or more.

However, some LEAs have established lower capitalization levels for equipment. If an LEA has established a level less than \$5,000 for capital equipment, then prior approval will be needed for such equipment. For additional information on requesting approval for equipment through IDEA budgets, view <http://dpi.wi.gov/sped/pdf/cap-equip-rules.pdf>.

When the equipment is no longer needed to meet the needs of a child with a disability, it must be managed or disposed of in accordance with 34 CFR §80.32, Education Department General Administrative Regulations http://edocket.access.gpo.gov/cfr_2004/julqtr/pdf/34cfr80.32.pdf.

4. Can IDEA funds, including ARRA funds, be used to purchase a bus?

Yes. However, an LEA is required to receive prior approval from the DPI for the acquisition of a bus. Vehicles must be used ONLY to transport children with disabilities who require special assistance in transportation (special transportation or additional transportation), including children with disabilities attending regular classes. LEAs are required to provide DPI an assurance that the vehicle will be used

only for special education. For additional information on requesting approval for vehicles through IDEA budgets, view <http://dpi.wi.gov/sped/pdf/cap-equip-rules.pdf>.

5. Can IDEA funds, including ARRA funds, be used for construction or alteration of facilities?

Yes. However, LEAs will need to obtain prior approval from the DPI. The project must improve the LEA's program for children with disabilities. The proposal must be consistent with the least restrictive requirement requirements at 34 CFR §§300.114-300.117.

Any construction or alteration of facilities must comply with Appendix A to part 36 of title 28, Code of Federal Regulations, the "Americans with Disabilities Accessibility Guidelines for Buildings and Facilities" or Appendix A of subpart 101-19.6, of title 41, Code of Federal Regulations the "Uniform Federal Accessibility Standards." (34 CFR §300.718)

LEAs also must comply with requirements in 34 CFR Part 76 regarding construction, including the requirements in 34 CFR §§75.600-75.617 incorporated by reference in 34 CFR §76.600 [<http://www.ed.gov/policy/fund/reg/edgarReg/edgar.pdf>].

For projects with a cost of more than \$100,000, the LEA must complete and submit an application. The application may be downloaded from is posted on the DPI website at <http://dpi.wi.gov/forms/doc/f3208.doc>. For projects with a cost of \$100,000 or less, the LEA may obtain prior approval through the budget and claim software. These funds are budgeted under "remodeling."

6. Can IDEA funds, including ARRA funds, be used for alterations to a classroom that will house an integrated 4K/EC program?

Remodeling costs are allowed only to provide students with disabilities access to the classroom and must be an excess cost of special education. Costs must be necessary and reasonable. LEAs must have prior approval from DPI to use IDEA funds for remodeling for accessibility.

7. Can IDEA funds, including ARRA funds, be used to pay for substitute teachers for regular education teachers?

Substitute teachers are allowed costs when regular education teachers are released to engage in activities related to the provision of free appropriate public education to children with disabilities. For example, substitutes hired to release regular education teachers for in-service training related to children with disabilities, to attend IEP team meetings, and for planning time with special education teachers to meet the needs of children with disabilities are allowed costs.

8. Can IDEA funds, including ARRA funds, be used for classroom technology like SMART boards?

IDEA funds must only be used for the excess costs of providing special education. Acquisition of SMART board technology is not an excess cost of providing special education if the LEA has decided to equip classrooms in a school and simply charges the IDEA grant a prorated amount based upon the number of children with disabilities in the school. The equipment is an excess cost of special education when related to the needs of a child with a disability in accordance with the IEP of the child. It may be provided in a regular education class or other education-related setting, even if one or more nondisabled children benefit. When the equipment is no longer needed to meet the IEP needs of a child with a disability, it must be managed or disposed of in accordance with 34 CFR §80.32, Education Department General Administrative Regulations, http://edocket.access.gpo.gov/cfr_2004/julqtr/pdf/34cfr80.32.pdf. For additional information on requesting equipment through IDEA budgets, view <http://dpi.wi.gov/sped/pdf/cap-equip-rules.pdf>.

9. Why is account 436000 the only function available for purchased instructional services in the Purchase Services section (300 objects)?

According to the Wisconsin Uniform Financial Accounting Requirements, function 436000 must be used for purchased instructional services. All school financial reports submitted to DPI must follow this accounting structure.

For further information on WUFAR functions: <http://dpi.wi.gov/sfs/wufar.html>. A worksheet specifically on function 436 000 can be downloaded from http://dpi.wi.gov/sfs/doc/funct_430.doc.

10. Can IDEA funds, including ARRA funds, be used for construction or remodeling for a timeout room or for equipment that will be used in a timeout room?

Due to the federal discussion and possible legislation regarding the use of seclusion, as January 8, 2010, the DPI will not approve requests for the use of IDEA or IDEA Recovery funds for construction or alteration of facilities for timeout rooms or for equipment for timeout rooms. Pending federal legislation or additional federal guidance, seclusion of students must be in accordance with DPI's directives for the appropriate use of seclusion: <http://dpi.wi.gov/sped/sbseclusion.html>